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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,809	02/03/2004	Hank Risan	MOMI-015	3341
704/07 7590 09/30/2010 MEDIA RIGHTS TECHNOLOGIES C/O WAGNER BLECHER LLP 123 WESTRIDGE DRIVE WATSONVILLE, CA 95076				
EXAMINER				
DADA, BEEMNET W				
ART UNIT		PAPER NUMBER		
2435				
MAIL DATE		DELIVERY MODE		
09/30/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,809

Applicant(s)

RISAN ET AL.

Examiner

BEEMNET W. DADA

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/07/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-30 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-15 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/07/2010 has been entered. Claims 1-44 are pending.

Response to Arguments

Applicant's arguments filed 09/07/2010 with respect to 35 USC 102 rejection of claim 1 have been fully considered but they are not persuasive. Applicant argues that the art on record fails to teach the compliance mechanism for enforcing compliance with usage restriction and selectively preventing the computer system from digitally accessing the media via the data pathway while enabling presentation of the media. Examiner disagrees.

Examiner would point out that, Raley (US 2002/0108050 A1) teaches a digital rights management system, including a system for selectively preventing a computer system from digitally accessing a media via a data pathway while enabling presentation of the media (i.e., while media is rendered on a browser, system can be preventing from accessing the media (requests are intercepted and validated), for different types of requests, paragraphs 0059-0062). Examiner would further point out the art on record teaches the claim limitations and therefore, the rejection is respectfully maintained.

Applicant's arguments filed 09/07/2010 with respect to 35 USC 103 rejections of claims 6 and 16-44 have been fully considered and are persuasive. The rejection of claims 6 and 16-44 under 35 USC 103 has been withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 31-44 are directed to a computer readable medium. The examiner respectfully asserts that the claimed subject matter does not fall within the statutory class listed in 35 USC 101. It is understood by the examiner in view of the specification that the computer readable medium can be directed to electronic signals. A signal does not fall within one of the four statutory classes of 101. Claims 31-44 are rejected as being directed to electronic signals.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Raley et al. US 2002/0108050 A1 (hereinafter Raley).

As per claims 1, 13 and 14, Raley teaches a method for selectively controlling access to media disposed on a media storage device, said method comprising:

installing a compliance mechanism on a computer system, said compliance mechanism communicatively coupled with said computer system when installed thereon, said compliance

mechanism for enforcing compliance with a usage restriction applicable to said media [paragraphs 0057, 0064 and 0067];

obtaining control of a data pathway operable on said computer system [paragraphs 0059];

accessing data disposed on said media storage device to determine said usage restriction [paragraphs 0059-0060]; and

selectively preventing said computer system from digitally accessing said media via said data pathway while enabling presentation of the media [paragraphs 0059-0062].

As per claim 2, Raley further teaches the method wherein said usage restriction comprises a copyright restriction or a licensing agreement associated with the media [paragraphs 0057, 0064 and 0067].

As per claim 3 and 4, Raley further teaches the method wherein installing a filter driver on the computer system, said filter driver configured to be coupled with and operable in conjunction with the compliance mechanism and for controlling said data pathway [paragraphs 0059].

As per claims 5, 7, 8 and 15, Raley further teaches the method further comprising: activating an autorun mechanism disposed on said media storage device in response to a device drive coupled with said computer system receiving said media storage device, said autorun mechanism for initiating said installing said compliance mechanism on said computer system [paragraphs 0057, 0064 and 0067].

As per claim 9, Raley further teaches the method further comprising bypassing said installing said compliance mechanism on said computer system if an instance of said compliance mechanism is predisposed on said computer system [paragraphs 0057, 0064 and 0067].

As per claim 10, Raley further teaches the method further comprising initiating a communication session between said computer system and a network to which said computer system is coupled and from which said compliance mechanism is available, comparing said compliance mechanism present on said computer system and said compliance mechanism available from said network; and updating said compliance mechanism on said computer system [paragraphs 0057, 0064 and 0067].

As per claim 11, Raley further teaches the method further comprising deactivating said compliance mechanism upon detection of uncoupling of said media storage device from said computer system [paragraphs 0057, 0064 and 0067].

As per claim 12, Raley further teaches the method further comprising uninstalling said compliance mechanism upon detection of uncoupling of said media storage device from said computer system [paragraphs 0057, 0064 and 0067].

Allowable Subject Matter

Claims 16-30 are allowed.

Claims 31-44 would be allowable if rewritten to overcome the 35 USC 101 rejections indicated above.

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEEMNET W. DADA whose telephone number is (571)272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Beemnet W Dada/
Primary Examiner, Art Unit 2435
September 28, 2010